

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1294 Session of
1987

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CORNELL AND LINTON, MAY 5, 1987

REFERRED TO COMMITTEE ON TRANSPORTATION, MAY 5, 1987

AN ACT

1 Amending Title 75 (Vehicles) of the Pennsylvania Consolidated
2 Statutes, further providing for certain insurance rates for
3 motor vehicles equipped with a passive restraint system and
4 for the use of restraining systems; and providing for civil
5 immunity for certain persons and organizations.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 1702 of Title 75 of the Pennsylvania
9 Consolidated Statutes is amended by adding a definition to read:

10 § 1702. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "Passive restraint system." A system for protecting
16 occupants of motor vehicles which consists of air bags which
17 inflate and protect occupants upon impact or a seat belt
18 ignition interlock system which requires that seat belts be

1 fastened during the operation of the motor vehicle.

2 * * *

3 Section 2. Section 1715 of Title 75 is amended by adding a
4 subsection to read:

5 § 1715. Availability of adequate limits.

6 * * *

7 (d) Rate reduction.--Every insurer who insures a motor
8 vehicle equipped with a passive restraint system shall reduce
9 the premiums charged for first party medical benefits, first
10 party wage loss benefits and first party funeral expenses by a
11 minimum of 10%.

12 Section 3. Section 4581 of Title 75 is amended to read:

13 § 4581. Restraint systems.

14 (a) [Child passenger] Occupant protection.--

15 (1) [A parent or legal guardian of a child under four
16 years of age] Any person who is operating a passenger car,
17 Class I truck, Class II truck, classic motor vehicle, antique
18 motor vehicle or motor home registered in Pennsylvania and
19 who transports [such child] a child under four years of age
20 anywhere in the motor vehicle, including the cargo area,
21 shall fasten such child securely in a child passenger
22 restraint system, as defined in subsection (d). This
23 subsection shall apply to all [parents or legal guardians]
24 persons while they are operators of motor vehicles where a
25 seating position is available which is equipped with a seat
26 safety belt or other means to secure the systems or where the
27 seating position was originally equipped with seat safety
28 belts.

29 (2) Except for children under four years of age and
30 except as provided in paragraph (1), each driver and front

seat passenger of a passenger car, Class I truck, Class II truck or motor home operated in this Commonwealth shall wear a properly adjusted and fastened safety seat belt system. The driver of the classes of vehicles whose drivers are required by this section to wear a safety seat belt system shall secure or cause to be secured in a properly adjusted and fastened safety seat belt system any passenger in the front seat who is at least four years of age but less than 18 years of age. This paragraph shall not apply to:

(i) A driver or front seat passenger of any vehicle manufactured before July 1, 1966.

(ii) A driver or passenger who possesses a written verification from a physician that he is unable to wear a safety seat belt system for physical or medical reasons.

A violation of this paragraph shall not be subject to the assessment of any points under section 1535 (relating to schedule of convictions and points).

(b) Offense.--Anyone who fails to comply with the provisions of [this section] subsection (a)(1) shall be guilty of a summary offense with a maximum fine of \$25. The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for deposit in the Child Passenger Restraint Fund, pursuant to section 4582 (relating to Child Passenger Restraint Fund). Anyone who violates subsection (a)(2) commits a summary offense and shall, upon conviction, be sentenced to pay a fine of \$10. No person shall be cited for violating subsection (a)(2) unless the person is also cited for another violation of this title which occurred at the same time. The court imposing and collecting any such fines shall transfer the fines thus collected to the State Treasurer for deposit in

1 the Catastrophic Loss Trust Fund, pursuant to Subchapter F of
2 Chapter 17 (relating to catastrophic loss trust fund).
3 Conviction hereunder shall not constitute a moving violation.

4 (c) Waiver of fine.--If a person receives a citation issued
5 by the proper authority for a violation of [this subchapter]
6 subsection (a)(1), a district justice, magistrate or judge shall
7 dismiss the charges if the person prior to or at his hearing
8 displays evidence of acquisition of a child passenger restraint
9 system to such district justice, magistrate or judge. Sufficient
10 evidence shall include a receipt mailed to the appropriate court
11 officer which evidences purchase, rental, transferal from
12 another child seat owner (evidenced by notarized letter) or
13 bailment from a bona fide loaner program of a child passenger
14 restraint system.

15 (d) Standards.--A child passenger restraint system shall be
16 used as designated by the manufacturer of the system in motor
17 vehicles equipped with seat safety belts and shall meet the
18 Federal Motor Vehicle Safety Standard (49 C.F.R. § 571.213).

19 (e) Civil actions.--In no event shall a violation or alleged
20 violation of this subchapter be used as evidence in a trial of
21 any civil action; nor shall any jury in a civil action be
22 instructed that any conduct did constitute or could be
23 interpreted by them to constitute a violation of this
24 subchapter; nor shall failure to use a child passenger restraint
25 system or safety seat belt system be considered as contributory
26 negligence nor shall failure to use such a system be admissible
27 as evidence in the trial of any civil action; nor shall this
28 subchapter impose any legal obligation upon or impute any civil
29 liability whatsoever to an owner, employer, manufacturer, dealer
30 or person engaged in the business of renting or leasing vehicles

1 to the public to equip a vehicle with a child passenger
2 restraint system or to have such child passenger restraint
3 system available whenever their vehicle may be used to transport
4 a child.

5 (f) Criminal proceedings.--The requirements of this
6 subchapter or evidence of a violation of this subchapter are not
7 admissible as evidence in a criminal proceeding except in a
8 proceeding for a violation of this subchapter. No criminal
9 proceeding for the crime of homicide by vehicle shall be brought
10 on the basis of noncompliance with this subchapter.

11 (g) Exemptions.--For any child between the ages of one to
12 four years, a seat safety belt in the rear seat of the motor
13 vehicle may be used in lieu of a child passenger restraint
14 system. Further exemptions will be allowed if it is determined,
15 according to the rules and regulations of the department, that
16 the use of a child passenger restraint system would be
17 impractical for physical reasons including, but not limited to,
18 medical reasons or size of the child.

19 (h) Education program.--The department shall initiate two
20 educational programs. The initial education program to begin
21 immediately shall alert the public to the new provisions of this
22 section and the requirements and penalties specified in this
23 section. The second education program shall be designed to
24 encourage the use of restraint devices to reduce the risk of
25 harm to their users as well as to others. The department shall
26 submit to the General Assembly a report on the effects of
27 subsection (a)(2). The report shall be submitted by August 31,
28 1988.

29 (i) Insurance.--An insurer may not charge an insured who has
30 been convicted of a violation of this section a higher premium

1 for a policy of insurance in whole or in part by reason of that
2 conviction.

3 (j) Definition.--As used in this section, the term "safety
4 seat belt system" means a seat belt system as defined by Federal
5 Motor Vehicle Safety Standard No. 209.

6 Section 4. Title 75 is amended by adding a section to read:
7 § 4586. Civil immunity of loaners of child passenger restraint
8 systems.

9 Any person or organization who or which loans child passenger
10 restraint systems, as described in section 4581 (relating to
11 restraint systems), shall not be liable for any civil damages as
12 a result of any acts or omissions by such person or
13 organization, except any acts or omissions intentionally
14 designed to harm or any grossly negligent acts or omissions
15 which result in harm to any person.

16 Section 5. It is the policy of this Commonwealth that
17 enactment of the mandatory safety belt usage provision contained
18 in 75 Pa.C.S. § 4581 (relating to restraint systems) is intended
19 to be compatible with support for Federal safety standards
20 requiring automatic crash protection and shall not be used in
21 any manner to rescind Federal automatic crash protection system
22 requirements.

23 Section 6. For a period of 120 days oral hazard warnings
24 shall be given by the Pennsylvania State Police or local
25 enforcement officers to motor vehicle drivers and front seat
26 passengers who are not wearing seat belts as required by this
27 act, but no citations shall be issued for violations during the
28 120-day period.

29 Section 7. This act shall take effect immediately.